

**DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION***

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**FROZEN DESSERT NOVELTY AND METHOD
FOR ITS PREPARATION**

and for which a patent application and for which a patent application

which is identified by docket No. 88265-4031
 which was filed on May 1, 2001, as Application No

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35,

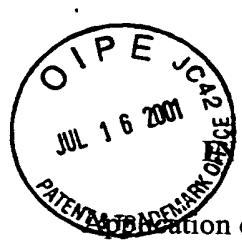
* for use only when the application is assigned to a company, partnership or other organization.

United States Code Section 112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2 0 1	FULL NAME OF INVENTOR	LAST NAME LOMETILLO	FIRST NAME Josephine	MIDDLE NAME E.	
	RESIDENCE & CITIZENSHIP	CITY Hillard	STATE OR FOREIGN COUNTRY Ohio	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	STREET 4377 Huntwicke	CITY Hillard	STATE OR COUNTRY Ohio	ZIP CODE 43026
		SIGNATURE OF INVENTOR 201 <i>Josephine L. Lometillo</i>		DATE <i>May 30, 01</i>	
2 0 2	FULL NAME OF INVENTOR	LAST NAME SURINTRANSPANOT	FIRST NAME Singhachai	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Dublin	STATE OR FOREIGN COUNTRY Ohio	COUNTRY OF CITIZENSHIP Thailand	
	POST OFFICE ADDRESS	STREET 6121 Brigids Close Dr.	CITY Dublin	STATE OR COUNTRY Ohio	ZIP CODE 43017
		SIGNATURE OF INVENTOR 202 <i>[Signature]</i>		DATE <i>May 30, 01</i>	



VO 6745/US

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: J. LOMETILLO et al.

Application No.:

Group Art Unit:

Filed: May 1, 2001

Examiner:

For: FROZEN DESSERT NOVELTY
METHOD FOR ITS PREPARATION

Attorney Docket No.: 88265-4031

**POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby revokes all previous powers and now appoints Allan A. Fanucci (Reg. No. 30,256) of WINSTON & STRAWN (Customer No. 28765) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence for this application to Customer No. 28765 to the attention of Allan A. Fanucci (telephone (212) 294-3311, facsimile (212) 294-4700).

An assignment of the entire interest in the above-identified subject application is submitted herewith for recording. The undersigned has reviewed this assignment and, to the best of his knowledge, title is in the assignee seeking to take action in this application and that he is empowered to act on its behalf.

NESTEC SA

Signature:

Typed Name:

Roman Vuille, Ph.D.

Position>Title:

Assistant Vice-President

Address:

Avenue Nestle 55CH-1800 Vevey, Switzerland

Date:

May 7, 2001